

Appl. No. : **10/824,798**
Filed : **April 15, 2004**

SUMMARY OF INTERVIEW

Applicant wishes to thank Examiner Rudy Zervigon for the courteous telephone interview extended to their representative that was conducted on July 13, 2006.

Exhibits or demonstrations shown

None.

Identification of Prior Art Discussed

Okase (US 5,884,009) was discussed.

Proposed Amendments

None.

Principal Arguments and Other Matters

Fig. 9 of Okase does not show "the second section being closer to the head surface than is the first section." Further, in Fig. 9 of Okase, the second section is not sandwiched between the first section and the head surface.

Results of Interview

The Examiner suggests that the structural limitations recited in the claims be clarified or more specified.

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REMARKS

Claim 1 has been amended to include a limitation substantially similar to the limitation recited in claims 2 and 3. As such, the amendment to claim 1 constitutes neither new matter nor new issues. Claims 2 and 3 have been amended to delete the above-mentioned limitation. Claim 30 has been amended to clarify the wording and to delete an indefinite and confusing limitation pointed out by the Examiner. As such, the amendment to claim 30 constitutes neither new matter nor new issues.

Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Drawings

The drawings have been objected to under 37 C.F.R. § 1.83(a), with regard to the phrase “said second section being disposed upstream of the head surface, said first section being disposed upstream of the second section” in claim 30. This phrase is indefinite and confusing and thus has been deleted from claim 30, thereby obviating this objection.

Rejection Under 35 U.S.C. § 112

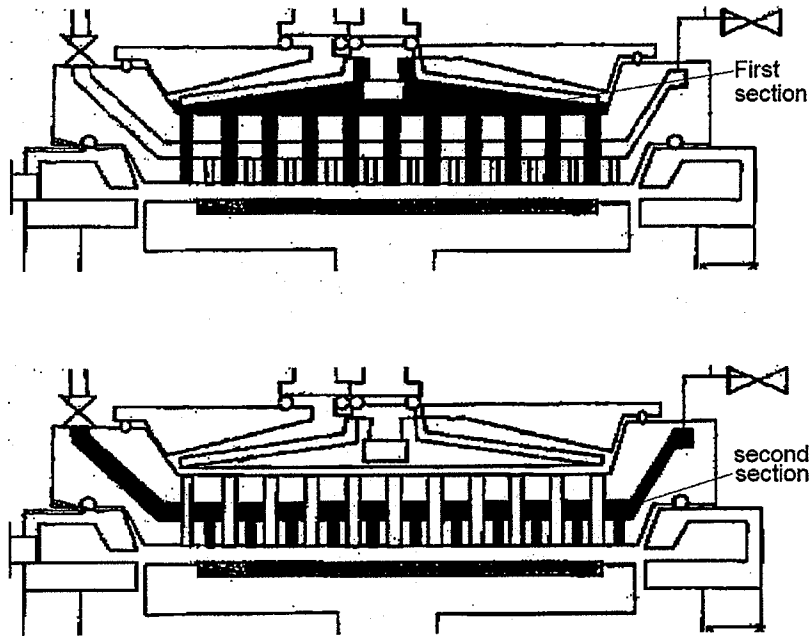
Claims 30-40 have been rejected under 35 U.S.C. § 112, second paragraph, with regard to the term “head surface” and the phrase “said second section being disposed upstream of the head surface, said first section being disposed upstream of the second section” in claim 30. The above term and phrase are indefinite and confusing and thus have been deleted from claim 30, thereby obviating this rejection.

Rejection Under 35 U.S.C. § 102

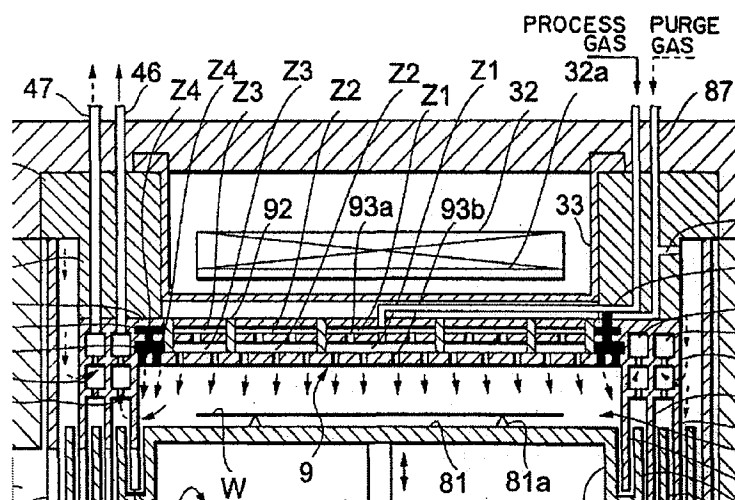
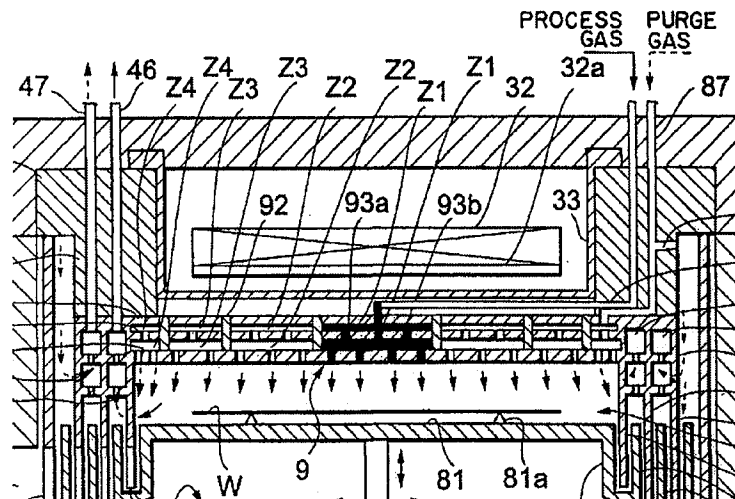
Claims 1-4, 6, 7, 9-11, 17-19, 30, 32-37, and 40 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Okase (US 5884009). Claims 1 and 30 are independent and have been amended for clarification. Applicant respectfully traverses this rejection.

Claim 1 as amended herein recites: “said first and second sections being each stratified parallel to the head surface, said second section being closer to the head surface than is the first

section” wherein the first and second sections are not in gas communication with each other. An embodiment of this configuration is shown in Fig. 1, for example, and can be summarized below.

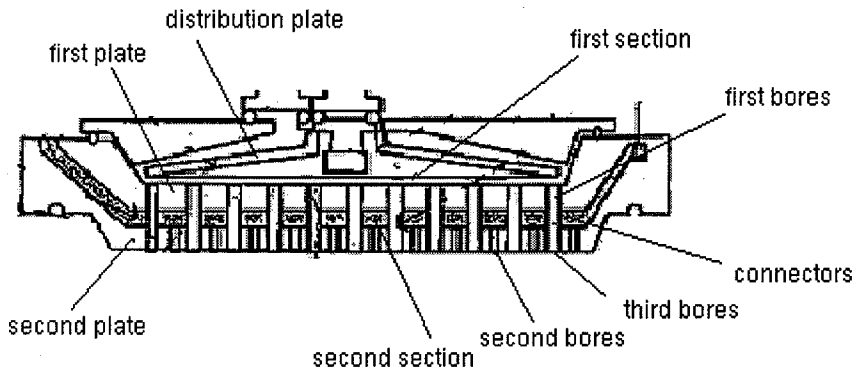


In contrast, the device shown in Fig. 9 of Okase does not possess the above structure. The first section corresponds to radial zones Z1, Z2, or Z3 for passing a process gas, and the second section corresponds to radial zone Z4 for passing a purge gas. The zones are divided by the partition member 92 (col. 18, lines 54-56) and are not in gas communication with each other. However, clearly, the radial zone Z4 and the radial zone Z1 (or Z2 or Z3) are not stratified parallel to the head surface (9), and the radial zone Z4 is not closer to the head surface (9) than is the radial zone Z1 (or Z2 or Z3). See below.



Thus, Okase does not teach each and every element of claim 1 and could not anticipate claim 1.

Claim 30 as amended herein recites: “connectors are provided in the second section to connect the respective first bores and the respective third bores through the second section without being gas-communicated with the second section.” An embodiment of this configuration is shown in Fig. 1, for example, and can be summarized below.



As shown above, in Fig. 9 of Okase, there is no connection formed through a radial zone but without being gas-communicated with the radial zone. Thus, Okase does not teach each and every element of claim 30 and could not anticipate claim 30.

At least for the above reasons, Okase also could not anticipate the remaining dependent claims. Applicant respectfully requests withdrawal of this rejection.

Rejection Under 35 U.S.C. § 103

Claims 5, 8, 12, 13, 20, 31, 38, and 39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Okase in view of Hills. However, Hills is irrelevant to the above-discussed features in claim 1 or 30. Thus, not all limitations of claim 1 or 30 are taught or suggested by Okase and Hills. Accordingly, claim 1 or 30 could not be *prima facie* obvious over Okase and Hills, alone or combined. Applicant respectfully requests withdrawal of this rejection.

Rejection Under 35 U.S.C. § 103

Claims 14, 15, and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Okase in view of Salimian. However, Salimian is irrelevant to the above-discussed features in claim 1 or 30. Thus, not all limitations of claim 1 or 30 are taught or suggested by Okase and Salimian. Accordingly, claim 1 or 30 could not be *prima facie* obvious over Okase and Salimian, alone or combined. Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

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In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 24, 2006

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